

REMARKS

Applicants' undersigned attorney thanks the Examiner for the Examiner's comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the following remarks. Currently, Claims 1-5, 8-20, and 26-44 are pending, with Claims 30-44 withdrawn from consideration.

Claim Rejections - 35 U.S.C. §103**A. Maxton et al. in view of Applicants' Background of the Invention**

The rejection of Claims 1, 4, 5, and 8-13 under 35 U.S.C. §103(a) as being unpatentable over Maxton et al. (U.S. Patent No. 6,497,032, hereinafter "Maxton") in view of Applicants' Background of the Invention is respectfully traversed.

As noted by the Examiner, Maxton fails to disclose or suggest the use of a mechanical tucking device for pushing opposing side panels onto the body portion of a garment that includes two opposing assemblies, with each assembly including either at least one tucking blade on a rotary paddle or at least one tucking blade conveyed along a track that guides the tucking blade(s) a distance alongside the conveyor. Instead, the tucking mechanism described in Maxton includes helical skis affixed to the entry conveyor, the support structure, or partially or fully on the main folding drum. In contrast with the stationary helical skis in Maxton, the tucking blades recited in Applicants' Claim 1 are set in motion, either on a rotary paddle or conveyed along a track.

As further noted by the Examiner, Applicants' Background of the Invention on page 2 of the specification states that automated processes in existence at the time of filing the application were able to mechanically tuck side panels into garments along a conveyor by using mechanical blades that rotate or travel with the product machine direction and push the side panels in from each side of the conveyor. However, as pointed out in the Background, such processes rely upon the location of the mechanical blades to control the location of the resulting folds. Furthermore, the Background also mentions that some processes use vacuum to hold products on a conveyor, but the use of the vacuum is not effective along the sides of the chassis.

Contrary to the Examiner's assertion, there is no suggestion in the Background that the use of the mechanical tucking devices therein tend to speed up the process of pushing the opposing side panels of the garments. Instead, the Background indicates that the motivation for using the mechanical tucking devices described therein is to control the location of the resulting folds.

Neither Maxton nor the Background disclose or suggest a method of tucking a pair of opposing side panels onto a body portion of a pant-like garment that includes creating longitudinal folds in the garment *along outer longitudinal edges of a vacuum zone* using a mechanical tucking device that includes two opposing assemblies, each assembly including at least one tucking blade on a rotary paddle or at least one tucking blade conveyed along a track that guides the tucking blade a distance alongside the conveyor.

Since the Background clearly teaches away from combining the mechanical tucking devices described therein with conveyors having vacuum zones due to the implicit inability to rely on the location of the vacuum zones to control the location of the resulting folds, the Background provides no motivation to combine the mechanical tucking devices described therein with the vacuum box of Maxton.

Furthermore, as mentioned above, the tucking mechanism in Maxton is stationary. Drastic changes to the apparatus in Maxton would be required to replace the stationary helical skis with tucking blades that are set in motion. Neither Maxton nor the Background disclose or suggest any interchangeability between systems including stationary tucking devices and tucking devices that are set in motion.

Thus, the Background fails to overcome the deficiencies of Maxton.

For at least the reasons given above, Applicants respectfully submit that the teachings of Maxton in view of the Background fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

B. Westphal et al. in view of Applicants' Background of the Invention

The rejection of Claims 14-20, 23, and 25-28 under 35 U.S.C. §103(a) as being unpatentable over Westphal et al. (U.S. Patent No. 4,739,910, hereinafter "Westphal") in view of Applicants' Background of the Invention is respectfully traversed.

As noted by the Examiner, Westphal fails to disclose or suggest a mechanical tucking device for pushing opposing side panels onto the body portion of a garment that includes two opposing assemblies, with each assembly including either at least one tucking blade on a rotary paddle or at least one tucking blade conveyed along a track that guides the tucking blade(s) a distance alongside the conveyor. Instead, the Westphal apparatus includes a plunger head that pushes the garment off of the conveyor belt assemblies and into a folding and pleating cone, and pleating rods that push the side portions of the garment into the body portion of the garment. Neither the plunger head nor the pleating rods nor any other components of the Westphal apparatus are on a rotary paddle or are conveyed along a track alongside a conveyor.

In further contrast with Applicants' claimed apparatus, the apparatus in Westphal includes a tucking device that performs the tucking operation on a garment *after* the garment has been removed from the conveyor belt assemblies and suction systems, instead of *simultaneously*, as recited in Applicants' Claim 14. More particularly, as shown in Fig. 1 and described at Col. 6, lines 1-7, of Westphal, the plunger head 148 and the folding and pleating cone 150 are disposed on opposite sides of the conveyor assemblies 32, 34. The plunger head is disposed on a first side of the conveyor assemblies and the cone is disposed on a second side of the conveyor assemblies, such that when a garment is aligned on the conveyor assemblies between the plunger head and the cone, the plunger head is then pushed from the first side into the garment, and both the plunger and the garment are then pushed into the cone on the second side of the conveyor assemblies. Since *the tucking takes place on the pleating rods extending from an end of the cone opposite the conveyor assemblies, the garment is not in contact with the conveyor assemblies or the suction system when the side portions of the garment are pushed onto the body portion of the garment.*

Applicants' Background fails to overcome the deficiencies of Westphal. As explained above, there is no suggestion in the Background that the use of the mechanical tucking devices therein tend to speed up the process of pushing the opposing side panels of the garments. Instead, the Background indicates that the motivation for using the mechanical tucking devices described therein is to control the location of the resulting folds. In Westphal, the location of the resulting folds is dependent upon devices that are completely separate and removed from the conveyor. Drastic changes to the apparatus in Westphal would be required to replace the plunger head and folding and pleating cone and rods, which are used in a direction perpendicular to the movement of the conveyor, with tucking blades that move in the same direction as the conveyor.

Neither Westphal nor the Background, nor the combination thereof, provide any suggestion or motivation to combine a conveyor having a vacuum zone that can be used to create longitudinal fold lines in a garment with a mechanical tucking device for pushing opposing side panels onto the body portion of a garment that includes two opposing assemblies, with each assembly including either at least one tucking blade on a rotary paddle or at least one tucking blade conveyed along a track that guides the tucking blade(s) a distance alongside the conveyor.

Furthermore, as noted above, the Background clearly teaches away from combining the mechanical tucking devices described therein with conveyors having vacuum zones due to the implicit inability to rely on the location of the vacuum zones to control the location of the resulting folds. The Background provides no motivation to combine the mechanical tucking devices described therein with the conveyor and vacuum zone of Westphal.

Thus, the Background fails to overcome the deficiencies of Westphal.

For at least the reasons given above, Applicants respectfully submit that the teachings of Westphal in view of the Background fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

C. Maxton et al. in view of Westphal et al.

The rejection of Claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Maxton in view of Westphal is respectfully traversed.

As explained above, Maxton and Westphal both fail to disclose or suggest the use of a mechanical tucking device for pushing opposing side panels onto the body portion of a garment that includes two opposing assemblies, with each assembly including either at least one tucking blade on a rotary paddle or at least one tucking blade conveyed along a track that guides the tucking blade(s) a distance alongside the conveyor. More particularly, neither Maxton nor Westphal disclose or suggest using opposing assemblies with tucking blades that are set in motion.

There is no suggestion or motivation in either Maxton or Westphal to use opposing assemblies with moving tucking blades. In Maxton, the tucking mechanism includes stationary helical skis. In Westphal, the tucking mechanism includes stationary tucking/pleating rods. None of these tucking devices in Maxton or Westphal are on a rotary paddle or are conveyed along a track alongside a conveyor. To include opposing assemblies with moving tucking blades in either Maxton or Westphal would substantially alter the methods and the apparatus disclosed in each of these references. Since there is no suggestion or motivation to modify either Maxton or Westphal to include the use of opposing assemblies with moving tucking blades, there is no reasonable expectation of success in achieving Applicants' claimed method based on the teachings of Maxton and Westphal.

Furthermore, in Westphal, garments proceed along the conveyor assemblies with the garments arranged perpendicular to the direction in which the garments in Maxton proceed along a conveyor. Because the garments in Westphal are conveyed in a completely different orientation than the garments in Maxton, the apparatus of these inventions necessarily differ from one another. There is no suggestion or motivation to a person skilled in the art to combine the teachings of Maxton and Westphal because the processes and apparatus in these two references are so different from one another that a combination thereof would be repugnant to each of the references individually.

For at least the reasons given above, Applicants respectfully submit that the teachings of Maxton in view of Westphal fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

D. Westphal et al. in view of Herrmann and Kober


The rejection of Claims 21 and 22 under 35 U.S.C. §103(a) as being unpatentable over Westphal in view of Herrmann and further in view of Kober (U.S. Patent No. 5,300,007) is respectfully traversed. As pointed out in response to the two most recent Office Actions, Applicants requested cancellation of Claims 21 and 22 in the Amendment filed 13 February 2006, thereby rendering any rejections of these claims moot.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,


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